

DAUGHERTY
CIVIL DOCKET

69-C-296

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>ORAL ROBERTS UNIVERSITY, Aetna Casualty & Surety Company; and Hartford Steam Boiler Inspection and Insurance Company, vs</p> <p>AUTOMATIC SWITCH COMPANY, a foreign corporation and International Harvester Company, A Foreign Corporation</p>		<p>For plaintiff: Saul A. Yaeger 582-8146 George A. Farrar 584-4136 405 Mayo Bldg Tulsa, Oklahoma 74103</p> <p>For defendant: Thomas R. Brett 582-8146 810 Franklin Bldg 1700 4th Natl. Bldg. Tulsa, Oklahoma 74103 74119 Bryan W. Tabor, Rucker Building Tulsa, Oklahoma 74119 Joseph Best; Best, Sharp, Thomas and Glass, Franklin Building Tulsa, Okla. 74103 Rhodes, Hieronymys, Holloway & Wilson 2900 4th National Bank Building Tulsa, Okla. 74119 582-1173</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 1-1-70	Clerk	1969			
J.S. 6 mailed 2-1-71	Marshal	12-4	Brett	15 00	
		12-11	CD 25		15 00
Basis of Action: Judgment for mal-function of Solar Gas Turbine	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-4-69	Petition for removal from District Court of Tulsa County, Oklahoma, filed. ds	
12-4-69	Bond on removal, filed. Automatic Switch Co. principal, and The Travelers Indemnity Co. surety, in the sum of \$500.00. ds	
12-4-69	Notice, filed. ds	
12-4-69	Special appearance and motion to quash and plea to the jurisdiction, filed. ds	
12-4-69	Brief in support of special appearance and motion to quash and plea to the jurisdiction of the court, filed. ds	
12-4-69	Proof of filing, filed. ds <i>file removed</i>	
12-8-69	Ordered by the Court that the plaintiff respond, with brief, to the special appearance and motion to quash and plea to the jurisdiction within 10 days from the date hereof. (Fred Daugherty - Judge) b	
12-17-69	Ordered by the Court that plaintiff be granted an additional 10 days to file response to motion to quash, with supporting brief, (Fred Daugherty - Judge) ds	
12-24-69	Affidavit of Roger P. Hurlburt, filed. m	
12-28-69	Ordered by the Court that the plaintiff is granted until 1-5-70 within which to file response to motion to quash, with supporting brief. (Fred Daugherty - Judge) b	
1-5-70	Response of plaintiff to defendants special appearance and motion to quash and plea to the jurisdiction, filed. b <i>marked</i>	
1-5-70	Plaintiff's brief in support of special appearance and motion to quash and plea to the jurisdiction of the Court, filed. b <i>marked</i>	
1-9-70	Ordered by the court that this case is set for hearing evidence of the parties on the defendant's motion to quash and pleas to the jurisdiction, on Wednesday, January 28, 1970 at 2:00 P. M. (Fred Daugherty - Judge) b	
1-16-70	Ordered that evidence should be presented at the 1-28-70 hearing showing the deft's gross annual revenue for the year or years involved and the amount thereof derived from goods used in the State of Okla. (FD-J)m	
1-28-70	Hearing held on defendant's motion to quash and plea to jurisdiction, statements made and defendants' exhibit No. 1 marked and admitted. Evidence closed, parties granted 5 days to submit letter briefs whether tortious or not. Motion taken under advisement. (Fred Daugherty - Judge) b	
2-13-70	Memorandum brief of whether breach of implied warranty is a "tortious injury" filed by defendant. ds <i>marked</i> <i>Orig mailed to J-D by jlf</i>	
3-13-70	Order that deft's special appearance and motion to quash and plea to the jurisdiction is overruled and deft. to answer complaint within 15 days from date hereof, filed. (FD-J)m (copies mailed)	
3-24-70	Deft's interrogatories to pltf., filed. m	
3-26-70	Defendant's Answer, filed. ds	
4-10-70	plaintiff's answers to interrogatories, filed. b	
4-10-70	Ordered by the Court that this case is set for pre-trial on Tuesday, April 28, 1970 at 10:20 A. M. (Fred Daugherty - Judge) b	
4-20-70	Letter of 4-14-70 from Brett to J-Daugherty to strike pre-trial, filed. b	
4-20-70	Copy of letter from J-Daugherty to attorneys that pre-trial will be held on 4-28-70, filed. b	
4-28-70	Pre-trial hearing held, statements made, plaintiff to file within 10 days statement of express warranty he relies on made by Automatic Switch. Defendant 10 days to move to add real party defendant.	

(Continued on Page 3, sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	If additional pre-trial is desired parties to advise the Court.	
5-8-70	No one having demanded jury trial it is set on the non-jury assignment. Plaintiff to prepare pre-trial order. (Fred Daugherty, Judge) b	
5-8-70	Motion of defendant to make Aetna Casualty & Surety Company and Hartford Steam Boiler Inspection and Insurance Company additional parties plaintiff, with brief, filed. g	
5-11-70	Motion of defendant to make International Harvester Company, Solar Division, a party plaintiff, with brief, filed. g	
5-13-70	Amendment to complaint, filed. g	
5-13-70	Plaintiff's response to motion to make Hartford Steam Boiler Inspection Ins. Co. and Aetna Casualty & Surety Co. additional parties plaintiff, filed. g	
5-20-70	Plaintiff's response to motion to make International Harvester Co. additional party plaintiff, filed. g	
6-10-70	Order, filed, that pltf. directed to file amended complaint within 20 days adding Hartford Steam Boiler Inspection & Insurance Company and Aetna Casualty & Security Co. as parties pltf. and making International Harvester Company, Solar Division an additional party deft with process issued against it; and that defts. will answer amended complaint with 20 days from service of summons on Inter. Harv. Co. (FD-J)m (copies mailed)	
6-10-70	Application of plaintiff for extension of time within which to file amended complaint, filed. b	
6-17-70	Order filed, that plaintiff is granted to June 16, 1970 within which to file its amended complaint. (Fred Daugherty - Judge) b	
6-24-70	Amended complaint of plaintiffs, filed. X summons issued to the International Harvester Company, a Foreign Corporation x b	
6-29-70	Summons, returned & filed: served International Harvester Co. by serving the Corporation Company at Okla. City, 6-19-70. (USM \$4.00)g	
6-29-70	Answer to amended complaint of the deft. Automatic Switch Company, filed. m	
6-29-70	Motion of defendant, International Harvester Company, a foreign corporation for extension of time to respond to the amended complaint, filed. b	
7-30-70	Order filed that International Harvester Company, a foreign corp., is granted 30 days from June 30, 1970 within which to file a responsive pleading. (JHP-Clerk) by MME. b	
9-14-70	Answer of International Harvester Company to amended complaint, filed.m	
9-18-70	Ordered by the Court that this case is set pre-trial on Thursday, September 24, 1970 at 1:30 P. M. (Fred Daugherty - Judge) b	
11-2-70	Ordered by the Court that this case is stricken from the pre-trial assignment of September 24, 1970 by agreement of counsel. (Fred Daugherty - Judge) b	
11-2-70	Motion of Rhodes, Hieronymus, Holloway & Wilson to withdraw as attorneys for International Harvester Company, filed. b	
11-3-70	Order filed that Rhodes, Hieronymus, Holloway & Wilson are granted leave to withdraw as attorneys for defendant, International Harvester Company. (Fred Daugherty - Judge) b copies mailed to counsel.	
11-19-70	Case set for Pre-Trial on Friday, December 4, 1970 at 3:15 P.M. (FD-J)v	
11-30-70	Ordered by the Court that this case is stricken from the pre-trial assignment of 12-4-70 and is re-set for pre-trial on Monday, December 14, 1970 at 12:00 Noon. (Fred Daugherty-Judge) b	
	Ordered by the Court that the pre-trial of this case is re-set for 12:00 Noon, Monday, December 14, 1970. (Fred Daugherty - Judge) b	

Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-14-70	Pre-trial hearing held. Pltf. to examine valve. Automatic Switch Co. files memorandum brief on the subject of warranty in open court and pltf. to file/amendment to complaint against Solar Division of International Harvester Co. May be set again for another pre-trial. Pre-trial order to be prepared by pltf. (FD-J)b	
12-14-70	Memorandum brief of Automatic Switch Co. on the subject of warranty, filed in open court. b	
1-18-71	Dismissal filed by the parties with prejudice. b	
1-18-71	Order filed and entered that cause is dismissed with prejudice. (Fred Daugherty - Judge) b	
		